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March 8, 2002

**VIA FACSIMILE**

Confirmation via Certified Mail, Return Receipt Requested

Steven A. Ellenberg, Esq.  
Ruby & Schofield  
60 South Market Street, Suite 1500  
San Jose, CA 95113-2379

Re: U.S. Patent Applications for Dr. Hutchens' review  
Our File Nos.: 016866-002711US and 016866-005710US  
Your File No.: HU104-1

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Dear Steven:

Thank you for your letter of March 7, 2002.

Ciphergen is not willing to agree to the condition proposed in your letter (i.e., forgo any potential legal claims against Dr. Hutchens in the future related to the review of the applications). Dr. Hutchens is a former employee of Ciphergen Biosystems, Inc. On April 7, 1997 he executed a "Proprietary Information And Inventions Agreement" in which he agreed to "hold in strictest confidence" Ciphergen's Proprietary Information and to "assist the Company in every proper way to obtain and from time to time enforce United States and foreign Proprietary Rights relating to Company Inventions." Dr. Hutchens' obligation to respect the terms of this agreement is not conditioned on Ciphergen waiving its rights, and Ciphergen has no intention of waiving its rights in this regard. Accordingly, Ciphergen now has no choice but to proceed with prosecution of these patent applications naming Dr. Hutchens as an uncooperative inventor in both the above application and in the application that Dr. Parent is handling (patent application relating to 60/269,772).

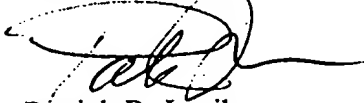
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Please return the documents forwarded with our letter of March 1, 2002 to us at your earliest opportunity.

Very truly yours,



Patrick R. Jewik

PRJ

cc: John Storella, Esq. (Ciphergen Biosystems, Inc.)

Jeffrey Chanin, Esq.

Annette Parent, Esq.

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PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Mailing Date: June 20, 2001

Attorney: Annette S. Parent/kji

PATENT APPLICATION  
FILING ACKNOWLEDGMENT

Alderson  
ULOSIS

Mailing Date: June 20, 2001

File No.: 014058-009070US

Attorney: Annette S. Parent/kji

Inventor(s): Yasir SKEIKY, Steven Reed, and Mark Alderson

Title: FUSION PROTEINS OF MYCOBACTERIUM TUBERCULOSIS

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Patent Application; with **Express Mail No.**

No. Pages of Description:	<u>73</u>
Title Page	<u>1</u>
No. Pages of Claims:	<u>10</u>
No. Pages of Abstract:	<u>1</u>
No. Sheets of Drawings:	<u>7</u>
Sequence Listing	<u>43</u>

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